

AG Contract No. KR03-0580TRN  
ADOT ECS File No. JPA 03-036  
**Amendment One**  
Project: 1-017-A-205  
TRACS No.: H6423 01D; H6423 S2D;  
H6423 S1D, H6423 01C  
Section: I-17, 16<sup>th</sup> Street – Buckeye Rd  
Screen wall (Design/Environmental)  
City Clerk Number:

**AMENDMENT NO. ONE  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF PHOENIX

115430..

THIS AGREEMENT is entered into 27<sup>th</sup> of April, 2005, as Amendment One to JPA 03-036, AG Contract No. KR03-0580TRN, filed with the Secretary of State under No. 26110, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PHOENIX, acting by and through its CITY MANAGER (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by City Charter Chapter II, Section 2.i. to enter into this Agreement and has by resolution or City Ordinance, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

**THE PURPOSE OF THIS AMENDMENT** is to provide final design and construction costs, funded by the City for the screen walls on I-17 referenced in paragraph II.1.g, of the original, JPA 03-036 Agreement executed on June 24, 2003. The cost estimate for the final design and construction costs is depicted on Exhibit B attached hereto and made a part hereof.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, the Agreement is amended as follows:

#01  
NO. 26110  
Filed with the Secretary of State  
Date Filed: 04/27/05  
Janice K. Brewer  
Secretary of State  
By: Jimmy D. Thornebold

**II. SCOPE OF WORK****1. The parties hereto acknowledge the following conditions:**

Article II.1(i), (j), and (k) are added to the following language:

i. Upon execution of this amended Agreement, the State will invoice the City, for the negotiated design costs as agreed to by both parties, related to the design contract associated with the construction of the new screen wall, located on I-17 from MP 194.9 to MP 198.8, station 59+00-127+50.

j. Upon advertisement and award of the construction project, the State will invoice the City for the final construction cost, plus 10% for ADOT administration of the construction contract.

k. The State is responsible for maintenance of Screen walls along I-17 within State's right-of-way.

Article II.2 (g) (h) and (i) are added to the following language:

g. Upon execution of this Agreement and receipt of an invoice from the State, remit to the State, for the final design and environmental determination costs, plus 5% of the total of design and environmental costs for ADOT administration, associated with the design of the new screen wall estimated at \$300,000.00.

h. Upon receipt of an invoice from the State, remit to the State, the final construction cost plus 10% for ADOT administration of the construction contract.

**EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.**

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IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

**CITY OF PHOENIX, an Arizona Municipal  
Corporation**, Frank Fairbanks, City Manager

**STATE OF ARIZONA**  
Department of Transportation

By David E. Richert  
DAVID E. RICHERT  
Planning Director

By Daniel S. Lance  
DANIEL S. LANCE, P.E.  
Deputy State Engineer, Valley Transportation

ATTEST

By Karen Clifford-Anderson  
ACTING  
City Clerk



**Exhibit B**  
**(JPA 03-036, Amendment 1)**

**I-17, 16th St. to Buckeye Road Screen Walls**  
**Design/Environmental Documentation**  
**Cost Estimate**

Engineering/Design H642301D	\$ 260,000.00
Environmental Determination H6423S2D	\$ 25,000.00
Subtotal	\$ 285,000.00
ADOT Administration (Design) (Fixed Cost H6423S1D)	\$ 15,000.00
Total Estimated Cost (Design)	\$ 300,000.00
Construction Cost H642301C	\$ 2,760,000.00
ADOT Construction Administration (10%)	\$ 275,000.00
Total Estimated Cost (Construction)	\$ 3,035,000.00
Grand Total	\$ 3,335,000.00

JPA 03-036-AMENDMENT ONE

ATTORNEY APPROVAL FORM  
FOR THE CITY OF PHOENIX

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF PHOENIX, an agreement among public agencies, which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954, and declares this agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ACTING Wilhoit Beck Attorney MLW



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TERRY GODDARD  
ATTORNEY GENERAL

CIVIL DIVISION  
TRANSPORTATION SECTION  
WRITER'S DIRECT LINE: 602.542.8855

**INTERAGENCY SERVICE AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR03-0580TRN (**JPA 03-036, Amendment No. One**), an Agreement between public agencies, i.e., The State of Arizona and The City of Phoenix, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: April 21, 2005

TERRY GODDARD  
Attorney General

A handwritten signature in cursive script that reads "Susan Davis". The signature is written in dark ink and is positioned above a horizontal line.

Susan E. Davis  
Assistant Attorney General  
Transportation Section

SED:mjf  
Attachment  
901771